

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEVIN WARREN SIZEMORE,

Defendant.

Case No. 6:21-cr-00138-RAW

**Response to Government's  
Motion in Limine**

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COMES NOW the Defendant Devin Sizemore, by and through his assigned counsel, and hereby submits this response to the government's motion in limine, Dkt. No. 172, seeking to preclude the testimony of Dr. Matthew Clem or, in the alternative, requesting a *Daubert* hearing before allowing Dr. Clem to testify. Mr. Sizemore hereby gives notice that he is not calling Dr. Clem. Therefore, this Court should deny the government's motion as moot.

Respectfully submitted,

/s/

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### **Certificate of Electronic Filing and Service**

This is to certify that on this 22<sup>nd</sup> day of March, 2023, I caused the foregoing instrument to be filed with the Clerk of the Court using the ECF System for filing, with electronic service to be made via CM/ECF to Lisa Man, AUSA, and Gerald Collins, AUSA. To counsel's knowledge, there are no non-ECF registrants who are counsel in this case.

/s/

Lisa A. Peebles  
Federal Public Defender